SHRI JIBON ROY (West Bengal): Madam, I want to raise a very important matter.

THE DEPUTY CHAIRMAN; Just a minute. Let me finish this work. I have not received your letter.

SHRI JIBON ROY: Madam, this matter is realring to the steel industry. It is a very serious matter.

THE DEPUTY CHAIRMAN; Not now. At 12.30 p.m. we have to have the reply of the Commerce Minister. You can raise this matter at any other time.

SHRI JIBON ROY; Madam, it will take only three minutes.

THE DEPUTY CHAIRMAN: Please don't argue. There is a way of run. ning this House. Please tit down Don't argue. Now the Minister will reply.

Short Duration Discussion on the formulation of our country's final decision on the GATT Treaty—

THE MINISTER OF COMMERCE

(SHRI PRANAB MUKHERJEE): Madam, I am 'grateful to the Members who have participated in the discussion on the GATT round of discussion which is popularly known as the Uruguay Round of discussion. We had the privilege of discussing this issue in the last Winter Session of parliament on two accasions, i.e. before the 15th of December and after the 15th of December. Madam, we had discusions on these issues on some earlier occasions also. Once more we have got an opportunity to discuss these issues. The hon. Members are well aware that on the 15th of December, the negotiations at the official level which is popularly known as the Multi-lateral Trade Negotiating Committee completed its exercise as per the mandate it received when the negotiation began in 1986. They will place the results of the Uruguay Round of discussions for consideration by a group of Ministers in the muddle of April at Morocco, The Ministers will authenticate the results of the Urguay Round of discussions and negotiations and the respective countries will have the right to ratify it within a period of one year as per the Constitution, practice and law prevailing in the respective country. Two sets of concerns have been expressed on the floor of this House. One set of concern was as if the world is going to collapse. There are some prophets of doom and self-styled cassandras who project that there would be a catastrophe on the 15th of April, if on behalf of India, this is going to be authenticated. The other set of concern is more genuine. It is regarding the role of India in international decision making and in multilateral trade organisations. They also wanted to know whether the , terests of the country would be affected as a result of these round of discussions. First of all, I would like to point out, that in an arrangement involving a large number of sovereign nations — as many as 117 nations — if hypothetically a situation were to emerge where each of these 117 sovereign countries were asked to prepare a draft, perhaps, we would have received 117 drafts and each one would not conform to the other. Therefore, the question of surrendering one's sovereignty and voluntarily opting out of the right to take decisions in regard to one's own country —these issues, I will be dealing with them later—does not arise. During the 8th Plan period, I decided to make some changes to the modifier Gadgil Formula for providing Central assistance to the States. Prior to that my predecessor invited suggestions from various. State Governments, mainly from the 15 non-special category States which were primarily concerned with it. The recommendations made by each State differed from the recommendations made by the other State. This is obvious, because the States formulated their suggestions and views keeping in view the interests of their

own State. We had to strike a balance here. Therefore, whatever emerged, anybody could pick up a particular point and from his point of view criticise that aspect. But what has emerged as a result of these discussions has been accepted. A large number of nations felt that this was the model that they wished to have and this was the correct conclusion of the prolonged negotiations which had begun in September 1986 and ended on 15th December, 1993. This sentiment could be easily visualised if one looked at it. As many as 38 countries, under the leadership of the President Of Argentina, last April, wrote to President Clinton and certain other important world leaders that they should ensure that the Uruguay Round of discussions concludes on the basgs of the Dunkel Draft. Therefore, it is not correct to say that the conclusions which emerged, and which are known as the Uruguay Round of Discussions, are totally acceptable to any individual country, but perhaps it would be safe to say that it is acceptable, by and large, in totality, to most of the countries.

Now coming to the most important area where the Members of both the Houses as well as the people outside have expressed their concern is agriculture. And I would like to deal in a little detain with agriculture. First of all, let us look into the history of how agriculture was brought within the purview Of GATT. It is true that before this Round of Discussions, agriculture was outside the purview of GATT. But we should not forget the fact that agriculture and textiles were brought within the discipline of GATT at the initiative, at the desire, of the developing countries. And our memory should not be too short, Madam, I am quoting from a speech which was delivered by the leader of the Indian Delegation in September... *(Interruptions)*

SHRI G. SWAMINATHAN (Tamil Nadu): Who was the leader?

SHRI PRANAB MUKHERJEE: I will come to that a little later. In September, 1986, when the Negotiations began, the leader of the Indian Delegation said, I quote-. "Trade in agriculture continues, effectively, to be outside the mainstream of liberalisation of international trade. A feature of the policies of many industrialised countries Is that in the agricultural sector, their action not only effects their access to the domestic markets but it also (influences the conditions of access in the markets of the third world countries. Competitive subsidisation of the agricultural products has assumed unprecedented dimensions. The competition appears to be becoming one of subsidies rather than of efficiency of production." That was said on the 17th September, 1986, by Shri Vishwanath Pratap Singh, who led the Indian Delegation in the Uruguay Round of Discussions. And I fully own up the statement. The last Ministerial Delegation was led by my colleague, Shri Subramanian Swamy in Dec. 90 after four years, I quote what he said at that tme: "In agriculture, although we are not ourselves the large exporters of temperate zone pgricultural products, we recognise the inequity of the present situation from the Forsnective of the countries, particularly, the developing countries, which are substantially dependent on the exports of these products. We fully share the thrust for liberalisation of agricultral trade and reduction of trade-distortive subsidisation, particularly, export suhsidies, As for special and differential treatment for developing countries, we have elaborated an objective approach based on early verification criteria which will be consonant with and contributing to the man thrust of liberalisation of agriculture trade." Therefore, this is the principled policy we adopted that agricultuce should be brought within the discipline of GATT on three counts: Firstly, the developing countries have some davantage—but they cannot enter into

the market of the industrialised countries as they are highly subsiding their agriculture—secondly, it is not a competition between efficiencies but it is a competiton between the power of providing subsidies to the agricultural sector and what we demanded was that we should have access to the markets of the developed countries so far as agriculture is concerned and, at the same time., demanded protection from entry into the market of ours by the developed countries in agricultural production.. ..because most of the countries, the devoloping countries, have the problem of balance of payments. Exactly this philosophy has been accepted in the Uruguay Round of discussions. What has been the outcome? The outcome has been that- it has been pointed out—there should be import obligation to an extent of three to five per cent. Import obligation for whom? Import obligation is not for the developing countries. Import obligation is for the developed oountrties. - Why is the import obligation for the developed countries? As a result of the negotiations, it was found necessary because even if the developed countries reduce their subsidies to the extent of five plus five per cent, i.e. tea per cent, and reduce the toriffs also, even then the tariff, wall was-very high. I would not mention • the name of the country because it would not be proper on my part to mention the name of that country. But in that particular country, the subsidies were so high that it was six to seven times more than the protection cost. That country was asked to replace the physical quantitative restrictions by tariffs but the tariff wall was so high that nobody could jump over that high tariff wall. Therefore, to facilitate exports of the developing' countries, it was agreed- that the developed countries would not only reduce, their tariffs and subsidies but also they would be obliged to have a minimum import- obligation to an extent of three to five per cent. That is the rationale. I think I have mentioned tins for about & half-a-dozen times on the door of this House and outside that basically this is a fight among the developed cc-unines. It is not necessary for us to be within this. Here I would request the hon. Members to read the Text. The Text should be consulted. The Text should be read. This is basically a fight from the very beginning. This is a fight among the developed count- Why should we unnecessarily think this is going to affect us? Now, what would happen? There are two safeguards so far as India is concerned. One safeguard is the BoP coverage. Assuming that BoP coverage would not be there, then what would happen Then, your tariff wall is recognised. That is part of the Schedule. Nobody can change it till the six years' period of the agreement. Before the completion of the agreement, when the fifth year comes, everything will be renegotiated. The tariff is reasonably high: 100 per cent, 150 per cent and 300 per cent so fares India is concerned. In respect of primary products, it is 100 per cent, in respect of proresresed agricultural products, it is 150 per cent and in respect, of edible oils, it is 300 per cent. Therefore, to my mind, there is no question of accepting any obligation so far as India is concerned on import front. Then, coming to the area of aggregate measurement support for subsidies, I think T should not explain this point in detail because it has been debated and discussed on earlier occasions. It would be suffice to say at his particular point of time that if we just take the quantum of subsidies which we gave in the base year, 1986—89, on the basis of which all these calculations have been worked out, our aggregate subsidies come, at the international prices, to about 19,000 odd crores negative. When we are per mitted to give up to 11;300 crores positive subsidies".there is no question of

reducing the agriculture subsidy on any count. Even after the Blair-house agreement which envisaged clubbing of subsidies, 10 per cent product specific and 10 per cent non product specific and flexibility, we can give that 20 per cent subsidy in a straight line. Twenty per cent of the total value agricultural products is the permissible level of providing subsidies to the agricultural sector in this country. I would like to request the hon. Members to let me know when we can reach that stage. Let them make their own arithmetics and tell me when India will reach the stage of giving that much of subsidies to the egricultural sector.

Therefore, the question of reducing subsidies to our agricultural programme does not arise at all. Tha thlird question raised is that we would not have the right of market intervention—procurement stock, and distribution. It has been clearly mentioned in the foot-note that our public distribution system is not going to be affected. Some hon. Members raised the question that India will not have the right of market intervention. If the public distribution system is not market intervention then what, else is market intervention? We are having an effective market intervention through the public distribution system itself. And if there is no obligation in the public distributon system.... Would you like to say anything?

SHRI S. JAIPAL REDDY (Andhra Pradesh) Can the Government of India announce procurement price for farmers?

SHRI PRANAB MUKHERJEE: Nobody prevents us.

SHRI S, JAIPAL REDDY: Show me the provision under which procurement price for a product of the farmer in India can be announced by the Government of India.

SHRI PRANAB MUKHERJEE: I am sorry, Madam, this is something like, after reading the text of Ramayan raising the basic question of what the relationship is between Ram and Sita! It is almost like that. (Interruptons) I would request the hon. Members to go through the Programme to go through Annexure-2 of the Agreement. *(Interruptions).*

THE DEPUTY CHAIRMAN: If we allow these question and answer interruptions, I don't think we will finish this. Let him finish.

SHRI PRANAB MUKHERJEE; So far as our policies of procurement, holding of stocks and maintenance of public distribution system are concerned. ..

SHRI S. JAIPAL REDDY: Medam, I have this book with me. Let him show from this book under what provision, the Government of India can offer, the procurement price to a farmer in India.

THE DEPUTY CHAIRMAN: What back is that?

AN HON. MEMBER: GATT.

SHRI PRANAB MUKHERJEE: I will show him. I am sorry, this is not a debating point.

SHRI N. E. BALARAM (Kerala): This is the modern trade Bible, the Dunkel proposals.

DR. MURLI MANOHAR JOSHI (Uttar Pradesh); You are raising the BoP situation and the situation of the developing countries regarding the subsidy and all that. You said that if you are a developing country, you do not have to consider about subsidies and all that. And if you have a BoP crunch, even then, this does not apply to you that you will have to reduce your subsidies and all those things. This is the case of the Government. The question whether you have a BoP crunch ox. not will be

decided by you or by the IMF and the World Bank because, ultimately, the decision whether you are a developing country or wheher you have a BoP crunch does not lie with me or with you, but it lies in consultation with the IMF and the World Bank which is binding on you

SHRI G. SWAMINATHAN: Madam, I would like to add one thing.

THE DEPUTY CHAIRMAN: Please.

SHRI PRANAB MUKHERJEE: I think, the hon. Members will have the courtesy of allowing me to finish my speech. And thereafter, they can put questions.

The hon. Member Dr. Joshi, totally confused the issues of subsidies and import obligation. So far as BoP and tariff are concerned, I referred to it in regard to import obligation, the obligation of a country to import 3 to 5 per cent of the agricultural produce So far as subsidies are concerned, we computed the subsidies on the basis of the value of the agricultural pro ducts which we gave in the base years of 1986 to 1989. That is settled once for all. It cannot be re-opened. And there we found out that the sub sidies which we gave came to a negative Rs. 19,000 crores.

SHRI SOM PAL (Uttar Pradesh): That is Rs. 13,000 crores.

SHRI PRANAB MUKHERJEE; We can give Rs. 13,000 crores

We have the leverage. While com puting these subsidies, we did not take ino account the subsidies which are given to the resource-poor farmers because most of the farmers of India are resource-poor. If I exclude them, then my leverage will be much higher. I did not take that into account. I just took into account the gross subsidies which we gave, without making any discrimination of the subsdies which we are giving to the reource-poor or resource-rich farmers. And there too,, we found that it was well below that level.

SHRI G. SWAMINATHAN: What is the percentage?

SHRI PRANAB MUKHERJEE: It is negative. So far as the question of BOP is concerned, the Members are well aware that there are certain factors which determine the balance of payments position. It is true, and it is not for the first time. When the whole world had the exchange crisis after the Second World War, Brittonwood institutions were created to bring some sort of stability in the exchange management, and that is in their mandate of which we are also a member. Therefore, it is nothing new. You cannot just take the cover and say that you have the BOP coveraeg. But there are transparent rules and there are transparent systems through which it has to be determined.

DR. MURLI MANOHAR JOSHI: I asked whether it will be determined in consulation with the IMF or the World Bank or not. Because America and other countries are not with you

SHRI PRANAB MUKHERJEE; Madam, he need not indulge in this running debate. He lies his own voice. As it is today, it is being done whether you accept or not. It does not matter. Therefore. .. (*Interruptions).*

SHRI ASHOK MITRA (West Bengal): It is true that we can show, on the basis of calculations for the past, that we have a certain leeway in the matter of subsidies. But at the rate at which we are globalising our prices, very soon there will be very little of difference between the international price and our domestic price. At that juncture, will the margin of subsidy

be enough for us? My second question is with respect to market intervention. Assume that we have a huge stockpile of, let us say, sugar. But we have already dispensed with the public distribution of sugar, and prices shoot up — double treble or four times. At that juncture, since we no longer have a public distribution system for sugar, can we intervene with our stock of sugar to bring down the price?

SHRI PRANAB MUKHERJEE: So far as the first question is concerned, my answer is emphatic yes. When you are going to renogotiarte after the sixth year of negotiations, you will be taking all other aspects into consideration as to the price level, and it will be determined at that point of time. So far as the present period of agreement is concerned, the base year has been fixed and that is related to 1986—1989. Therefore, there is no question of reopening.

The second question was about the public ditribution system. What are we discussing here? We are not discussing the entire gamut of economic policy. We are discussing the GATT negotiations, the Uruguay Round of negotiations and whether in this document there is anything which prevents the Government of India to operate its own public distribution system. And my answer is obviously 'no'. If you do not have the capacity to support your P.D. system, why are you blaming GATT? You are only concerned with the issue whether GATT is standing in your way to effectitevely conduct the public distribution system. My answer is 'no'. Through the public distribution system, we can effectively intervene in the market; through the public distribution system, we can reduce the price. So far as the subsidies are concerned. I made this point that GATT is primarily con. cerned with subsidies to the producers. The whole exercise is being done to reduce the subsidies of the. producer and to reduce subsidies on exports so that they cannot effectively distort tha market. That is ____ the philosophy of GATT. Therefore, let ,us not bring in all other things under the sun. For example, today a there is a news item that the prices of medicines are increasing by 25 per cent or 15 per cent. If somebody says that it is because of GATT, what can I do? GATT is not yet operative. If the prices ofmedicines are stepped up by 15 per cent, as a result of increase in the excise duty, as a result of the fiscal policies of the country..... (Interruptions). No, lam not yielding, Dr. Mitra, Please sit down |

10.P.M.

THE DEPUTY CHAIRMAN: Order, please.

SHRI PRANAB MUKHERJEE: This is as a result of that (Interruptions)

THE DEPUTY CHAIRMAN: I would request hon. Members not to interrupt him. Let him answer.

SHRI PRRANAB MUKHERJEE Madam, coming to the area of investment, a lot of song and dance has been made about the (investment policy. What does the Text say? Does the Text prevent us from deciding our own investment policies? Is it not known to hon. Members? Investment is dealt with in article 3 and 4 of the GATT. Treaty. These *are* the two articles which are, primarily, concerned with investments. Is it not known to hon. Members that the Investment policy was announced in July. 1991. when a larger area was provided to the foreign investor; 51 per cent through the

automatic route and higher percentage through simplified procedures? Is it that nobody was aware of the real content of that policy? Is it that nobody was aware of the dispensing with a phased manufacturing programme? *(Interruptions)* Why had it to be done? It had to be done... *(Interruptions)*

THE DEPUTY CHAIRMAN:, Order, please. ,

SHRI PRANAB MUKHERJEE: It had to be done because we decided—we Ranted—that foreign finvestment was needed. It is very funny, Madam. I am sorry to say that. On the floor of the House, we speak against foreign investment. In private conversation, we speak something else. For public consumption, we speak against foreign investment. But every year, we will make it a ritual to visit some of these countries, talk to the multinationals and invite them: 'Come and invest in my State'. *(Interruptions).* This is totally wrong. This is totally un fair. Therefore, let us not talk about that aspect. (Interruptions) Of course, there may be a different perception. There may be a different perception Un respect of investments. As I said, so far as investment policy is concerned, nowhere in the G.A.T.T. Treaty is there anything which prevents adopting our own policies. We are free to say: "These are the areas which we will allow and these are the areas which we will not allow.

Mr. Malhotra raised the question as to what was going to happen to the small-scale industry. What is goling to happen to the small-scale sector? Madam, there is a separate policy statement in respect of the small-scale sector. There are areas reserved for the small-scale sector. This too was announced along with the Industrial Policy Resolution of 1991. These areas are net going to be opened. Nobody lis allowed to come and make investments in these areas. On the other side, on the positive side, when the textile integration would take place... (Interrup ions)

THE DEPUTY CHAIRMAN: I am not allowing anybody. Let him complete his reply.

SHRI PRANAB MUKHERJEE: When the textile integration would take place, naturally, a large number of textile items and clothing would come from the small-scale sector a, we will have a larger market. This would be the benefit. Therefore,, hon. Members should not, unnecessarily, be agitated over it. (Interrruptions)

SHRI G. SWAMINATHAN: You come from the small-scale sector and are reducing the areas.

SHRI PRANAB MUKHERJEE: There is no question of reduction of areas.

DR. MURLI MANOHAR JOSHI: Why are so many small-scale industries closed now?

SHRI G. SWAMINATHAN; You are gradually, slowly, reducing further areas.

SHRI PRANAB MUKHERJEE: What does the Text say? I think if you had taken the trouble of reading tha Text, you would not have said this; you would not have gone by the advice of others. I am talking about the Text. I have been saying this repeatedly. The textile integration would take place after the Agreement comes into effect on 1-1-95 The transition period is up to 2,005. Then, there would be no quota regime. There would be no restrictions The small-scale sector would get this benefit. This is the text of the Agreement.

SHRI G. SWAMINATHAN; I am talking about the Government of India's policy. You are gradually reducing the areas.

SHRI PRANAB MUKHERJEE: Because there is the quota regime, we wanted to have integration. Be. cause there is the quota regime, we wanted that there should be liberalisation.

Coming to the area of States' lights the question is whether the rights of the States have been violated. Somebody went to the extent of having some sort of an imagination that *it* a State refused to implement it, what was going to happen? Madam, so far as the Text is concerned, many of its provisions would have to be implemented through legislation. Legislation would have to be done by Parliament, Once Parliament make the legislation, it would be obligatory. There is no question that this Agreement is going to be automatically implemented. Many of the provisions for example, on the qeustion of patenting of seeds and sui generis system—I would come to this a little later—drafting of the legislation is going on—would have to be implemented through Parliament. And so far as our sovereign right of making the treaty is concerned, it lis simply as per the Constitutional provisions. The federal Government has the legislative competence. Somebody advised me, why can't you go and tell the world communlity that I will take some time because I would like to amend the Constitution taking away these rights from the executive to Parliament and, therefore, you wait? "Why didn't you utilize our right of putting a veto on article 1?" The basic question is, why should we? Nobody asked me to go there. I entered GATT negotiations on my own in 1986, as I did in 1947, as I did in 1976. So, where is the question of putting a veto? Where is the ques. tion of saying that I won't agree? Then people will say sorry, if you don't agree, as per technicality you can put a veto, you stay out, but we will go with it. That was the message. ... (Interruptions)...

THE DEPUTY CHAIRMAN; Please don't interruption him... (Interrup*tions)*...

SHRI PRANAB MUKHERJEE: When 34 developing countries wrote that they were going to accept it on the basis of the Dunkel proposals itself. I would like to make it quite clear that it was not a state of helplessness, that we were forced to join the GATT negotiations. I don't agree. I refute your insinuation totally. We ojined it on) our own. These gentlemen, I know, when I entered into the IMF for borrowing some money, said that the sovereignty of the country has been mortgaged. When India entered the Commonwealth, these gentlemen said the sovereignty has been mortgaged. When the Indo-Soviet agreement was signed, my friends from the BJP said that the sovereignty has been mortgaged. How many times can you mortgage your sovereignty?.. (Interruptions)... Therefore, let us not go into that aspect.

SHRI JIBON ROY (West Bengal): Because you have surrendered ... *(Interruptions)*...

THE DEPUTY CHAIRMAN; Please sit down. This is not the way. When the Minister is replying, this is not the way that you get up and speak. Please keep quiet. Please have dignity for yourself if not for the House... *(Interruptions)* ..

SHRI PRANAB MUKHERJEE: Therefore, what I am saying is one simple proposition. Honourable Members will have to apeciate that 117 countries are concerned. No country has got 100 per cent satisfaction. Is none of them patriotic? Is none of them concerned about their own so. vereignty?

SHRI ASHOK MITRA: So, therefore, ... *(Interruptions)*...

SHRI PRANAB MUKHERJEE: Who for whom? The other day Dr. Mitra talkd of Latin America and

South Africa as if he is the representative of Latin America and South Africa, as if the people speak through him... (Interruptions)... I reject this type of comments outright. I don't agree. Who is he to speak on behalf of Latin America? Who is he to speak on behalf of the people of South Africa? They have their own representatives in the GATT... *(Interruptions)...*

Therefore, this is absolutely not to discuss, not to debate the issue but to bring in what they are teiing the people outside. It is going to such these plant breeders protection would you beliece that Tula-it leaves hove been patented and people would not be able to ues them

But I wanted to bring it in the proper perspective. My contention is very simple. Yes, so far as this agreement is concerned no country has gained 100 per cent. from this agreement, but the preponderant number of countries have received this round of negotiations as, by and large,, satisfactory.

Now, coming to the areas of an. other important sector, that is, patenting of the seeds and also about amendment of the patent laws, so far as the patenting of seeds is concerned, what is the text? The text is that we should have to provide some sort of plant breeders' rights in the national legislation. We can give these plant breeders' rights either by patenting or by sui generis or by a combination of both of them or by any other mechanism. What is our stated position? Our stated position is that we do not agree to the patentfing of the seeds. We do not agree to the patenting of micro-organisms. On the other hand we shall have to give some sort of protection to the plant breeders. There, fore, it has been decided as to how these plant breeders protection would be given in the national legislations. I would request hon. Members to go through a news item in today's Statesman, where categorically it has been pointed out that in the proposed legislation what type of protectlion we are going to give so that our farmers dan Retain seeds,/ can use the best seeds, our researchers can use the protected seed, can bring new Varities of seeds by their own application of mind. This legislation will come to the floor of the House and the hon. Members will be able to take part in it; and if they feel that certain additional suggestions are called for, they will be there to do so. But, it has been projected as if heaven is going to fall; that the farmers' traditional rights are being taken away; that they would not be able to keep a part of their products for replantation. All these are absolutely baseless and untenable. These have no basis.

Coming to the area of the patenting it has been said that all the medicine prices would go up; I would like to point out that there are three esential ingredients of the patent laws. They are It must be new, it must have industrial application and it must be an invention. Now, where is the newness in all the medicines which are in the market? Where is the invention? They are already known. They may have com. n:ercial explications. So, existing generation of medicine prices automatical cannot go up because of amending of the patent laws Yes what would happen to the new generation of medicines Yes, because of the amendment of the Patents Act, some enhancement of the prices can take place in the case of new generation of medicines. I would like to point out that there is a total misconception about our patents regime, as if We do not allow product patent at all. If you carefully scrutininse the Indian Patents Act, you will Add that 95 per cent of our patent laws are in conformity with the international laws. Where do we not allow the product patenting? We do not allow product patenting

in foodstuffs, in chemicals and in apharntadairta products. Therefore, there should be a cnauge of the scenario, when We will amead these patent laws in conformity with the international law. .but, when we say that we are going to nave... *(interruptions)* I am not yielding, Madam.

THE DEPUTY CHAIRMAN: He is not yielding.

SHRI PARNAB MUKHERJEE; So, when we say that we are going in for iamendng the patent laws, we shall have three sectors: (1) the in. herent right of the sovereign Government for price control mechanism; (2) compulsory licensing mechanism. ..

SHRI S. JAIPAL REDDY: How?

SHRI PRANAB MUKHERJEE: You read it.

SHRI S. JAIPAL REDDY; Madam how can we listen to his bland replies? Under what provisions are these safeguards, you have got to reply.

THE DEPUTY CHAIRMAN: You asked from the Minister. It is his right to speak what he feels proper.

SHRI PRANAB MUKHERJEE: Madam, I have not given my judgment or my interpretation of the clause to any hon. Member of the House, however expert he may be. And when I am speaking, I am not yielding, this minimum courtesy I can expect from them. I did not interrupt anybody. It its not proper.

SHRI S. JAIPAL REDDY: You are speaking for the Government.

SHRI PRANAB MUKHERJEE: Yes, being a Minister, I do not give up my right to be a Member. That point you should know very well.

SHRI KAMAL MORARKA (Rajasthan): Madam, I »m on a point of order. The Minister is apparently very angry. I do not why he is so. It is customary for members, uecause Members are coucuied about the the suoect. He is a Ministers he is in the Government. He knows all the interpretations. We all agree mat our corrective wisuom is less man ms, out when we are abated, he should satisry us msveau of getting angry. And in the cast sentence he said, "I may oe a Minister, uut I have not lost my right of the Member of the House. This is a new interpretation of the rules. Just now he is replying as a Minister. He is speaking on benarf or the Goernment, not as a Member. That should be very clear.

THE DEPUTY CHAIMAN: There is no point of order. I would like to submit that I had the experience of dealing with both Members and Ministers in this House, Long before when the hon. Member came to this House, I was here and I would continue to be here even if he will not be here. Therefore, let us not go into the details.

SHRI KAMAL MORORKA: Madam this only satisfies this Member or that particular Member of this House and still... (Interruptions)...

SHRI PRANAB MUKHERJEE: Why I am unhappy because..

SHRI KAMAL MORARKA: Tell us.

SHRI PRANAB MUKHERJEE: I am telling you, all along we have followed the cardinal principle of collective responsibility in the parliamentary form of Government. The other day when I listened to this gentleman, he did not accept the principle that as ministerial colleague he should own it up when he led the Indian ministerial delegation at the last round of talks in Brussels in 1990. Whatever had been said in 1986 *by* my predecessor, I am owning it up. Can I tell something

totally different, the moment I am out of the Government? This is not fair.

PROF. SAURIN BHATTACHARYA (West Bengal); You are doing.

SHRI PRANAB MUKHERJEE; He said, "Why should we not go in for exports? Exports doesn't mean merely earning foreign exchange. Exports means improvement of quality. Exports means improvement of efficiency. Exports means improvement of technology. Therefore, many countries have adopted a growth strategy in which exports have played a role of an engine.

So, I am not angry. But what I am trying to point out is if you want to have a discussion, let us have a discussion in a dispassinate way. But if you want to make a political issue out of it—which you have already done—what is the fun of having a discussion here? When you have started a... *(Interruptions)...*

SHRI KAMAL MORARKA; Madam, what is he trying to say? It is a sovereign House... *(Interruption).* He is casting aspersions ... *(Interruptions)* ...

THE DEPUTY CHAIRMAN: I am not allowing ... *(Interruptions)...* I am not allowing.

SHRI KAMAL MORARKA: He said that we are making a political issue out of it.. *(Interruptions)...* We have put questions. If he wants to answer ... *(Interruptions)..* or he can go. We are not here at his merecy. ... *(Interruptions)...*

THE DEPUTY CHAIRMAN: Nothing is going on record. ... *(Interruptions)* ... It will not go on record. Anybody who speaks without my permisstion will not go on record.

श्री सत्य प्रकाश मालवीय:*

श्री दिग्विजय सिंह :*

*Not recorded.

THE DEPUTY CHAIRMAN; Don't *say* all these things. It is not going on record. .. *(Interruptions)...* Go back. .. *(Interruptions)...* I am not permitting anything.

आप अपनी जगह पर जाइये... (व्यवधान) बैठ जाइये ....(व्यवधान)

Please go back. .. *(Interrupdiions)...* Nothing is going on record. .. *(Interruptions)* ... Please go back. I am not permitting anything. I am not permitting anybody,

...बैठ जाइये ..... (व्यवधान)

Nothing is going on record. .. *(Interruptions)* .. I will not permit anything.

SHRI KAMAL MORARKA: Madam, I am not a point of order.

THE DEPUTY CHAIRMAN; Cool down.

SHRI PRANAB MUKHERJEE: Madam, I an sorry if I had hurt the sentiments of the hon. Member. Let us not go into that aspect. (.. *(Interruptions)...* Mr. Balanandan, I am not yielding.

THE DEPUTY CHAIRMAN: Till I I recognise you, you cannot... *(Interruptions)* .

SHRI PRANAB MUKHERJEE; If you wanted to have a discussion, ... *(Interruptions).* I am not yielding, Madam. (Interruptions).

THE DEPUTY CHAIRMAN; I have not allowed you, Mr. Satya Prakash Malaviya. *(Interruptions).*

SHRI PRANAB MUKHERJEE: Madam,... *(Interruptions)* .

THE DEPUTY CHAIRMAN: Mr. Mukherjee, just a minute. *(Interruptions)* .

SHRI SATYA PRAKASH MALAVIYA:*

THE DEPUTY CHAIRMAN; Please sit down, Mr. Malaviya.

SHRI SATYA PRAKASH MALAVIYA:*

THE DEPUTY CHAIRMAN: I am not allowing you, Mr. Malaviya. Why are you getting up? I will not permit it. (Interruption). If you behave like this, I cannot continue. Please sit down. *(Interruption). I* am not permitting you.

SHRI G. SWAMINATHAN:*

THE DEPUTY CHAIRMAN: I am not allowing you, Mr. Swaminathan, Please sit down.

SHRI G. SWAMINATHAN:*

THE DEPUTY CHAIRMAN: You cannot say that to the Chair. *(Interruptions)* .

SHRI ASHOK MITRA:*

THE DEPUTY CHAIRMAN: Mr. Ashok Mitra, please sit down. (Interruptions). The thing is, just because you get up... (Interruptiens). Read the rule book. Your just getting up does not mean that you have ralised a point of order. When you get up on a point of order, it is for the Chair to recognise it.

SHRI SATYA PRAKASH MALAVIYA:*

THE DEPUTY CHAIRMAN: I have not recognised you. Please sit down.

SHRI SATYA PRAKASH MALAVIYA:*

THE DEPUTY CHAIRMAN: I am Very sorry, Malaviyaji, The way you are also behaving with the Chair is not in order. आप जरा ठंडे रहिए । There is no need to get agitated. If you are agitated to your mind on an issue, you can put a question. But you should not have this kind of a discussion. I can tell you... (*Interruptions)*

SHRI S. JAIPAL REDDY:*

SHRI S. VIDUTHALAI VIRUMBI:*

THE DEPUTY CHAHIMAN: When you make speeches, I have not seen in the record that any Minister interrupts any speech. I think courtesy demands... *(Interruptions)* . Whatever he is saying is his opinion. He cannot speak your opinion; you can. not speak his opinion. If you arc agitated, do what you like later on. But let him finish now.

विपक्ष के नेता (श्री सिकन्दर बख्त) : सदर साहिबा, एक मिनट ।...(व्यवधान)...सदर साहिबा, मुझे एक गुजारिश करनी है ।....(व्यवधान) सदर साहिबा, मैं यह अर्ज करता हूं कि आपने बिल्कुल ठीक कहा कि मिनिस्टर साहिबान काफी खामोशी के साथ बाकी मैम्बर्स को सुनते हैं....(व्यवधान) हाउस में कुछ होता है, या कुछ उलझनें होती हैं, कुछ सवाल कर लेते हैं, लेकिन to go to the extent to which Pranabji went is not fair at all. it is very unfortunate. *(Interrupsions)*.

SHRI G. SWAMINATHAN:*

THE DEPUTY CHAIRMAN: I am not permitting you.

श्री सिकन्दर बख्त : इन अलफाज के बाद, सदर साहिबा, मेरी बात खत्म हो जाए । मैं कुछ कह नहीं रहा, मैं खाली यह कह रहा हूं ।

THE DEPUTY CHAIRMAN: The Leader of the Opposition is saying something. Have some curtesy for your own Leader of the Opposition.

श्री सिकन्दर बख्त : मिनिस्टर साहब की नाराजगी अगर किसी वजह से हो तो जिस हद तक चले गए हैं, क्या वह मुनासिब है ?

*Not recorded.

He has got to have the patience to listen to what Members are saying. That does not matter, Iruerruption is bad. I agree with you. But, is it all right for the Minister to go to the extent to which he went? It is not fair. It is not right. I am sorry.

SHRI G. SWAMINATHAN:*

THE DEPUTY CHAIRMAN: I am not allowing you. I am not allowing anybody. No more discussion, *please. (Interruptions).* Please take your seats.

SHRI G. SWAMINATHAN:*

THE DEPUTY CHAIRMAN; We have other business in the House. If you are not interested in the reply, we can ask him to stop. But no point of order. (Interruptions). Please sit down. I am not allowing any more points of order. Please take your seats. Yes, Mr. Mukherjee.

SHRI PRANAB MUKHERJEE- Madam, first of all, I would like to assure the Leader of the House, the Leader of the Opposition and others that if I have hurt anybody's sentiments, I am sincerely sorry for it. I never meant it. *(Interruptions).*

THE DEPUTY CHAIRMAN: That is over now. Please listen to him. Please do not interrupt.

SHRI PRANAB MUKHERJEE: What I wanted to say is, this is a technical subject. This requires dispassionate discussions. We may or may not like it. It has led to a political agitation. An agitation is taking place outside. Every day, I am reading ab out it. *(Interruptions).*

श्री जगदीश प्रसाद माथुर (उत्तर प्रदेश) : नाराज नहीं होना चाहिए ।... (व्यवधान)

उपसभापति : माथुर साहब, आप बैठिए।....(व्यवधान)...

No. I am not allowing you. No comment.

*Not recorded.

श्री जगदीश प्रसाद माथुर : आपको... (व्यवधान) बाहर एजीटेशन कर रहे हैं, उसका जवाब आप वहां दीजिए।... (व्यवधान)

SHRI PRANAB .MUKHERJEE; I can assure the hon, Members tha it they *nave* any crartheations after I friusn my speech, I am prepared, to do that. that is the better thing. But it is not proper to interrupt every time. Madam,, througn you, I would submit to all the Members that others may be very expert they can instantly react but I cannot, But when I build up my own thing. I would like to take it to its logical conclusion and after that, if somebody wants to ask a clarfication, I can answer that. I am not that expert like many other that they can just instantly react like 'instant coffee'. I cannot do that. This is my limitation. I frankly admit it. *(In. terrtions)*

THE DEPUTY CHAIRMAN: No more claufications. I am not permitting any more clarifications. I am sorry. (Interruptions) We have got other business also. Mr. Mitra, I am not allowing. I am sorry, Ashok Mitra, I am not allowing. Please take your seat. I am not allowing, when I say "sit down" you should sit down. Do you take the writ of the Chair or do you not take the writ of the Chair? (Interruptions) Okay. I am thankful to you. I am obliged. *(In-terrtions)*

SHRI PRANAB MUKHERJEE: One more point I would like to clarify. *(Interruptions.)* .

THE DEPUTY CHAIRMAN: But it is very momentary. Mr. Mitra, we are not making fun of this Rajya Sabha. I am very sorry to say so. This is a very senior and serious House and you are not making fun of it. When I ask you to sit down, .it is not a Jack in-the-box. Pease sit down. No more interruption, please. I take it very seriously.

SHRI PRANAB MUKHERJEE: One point was raised by some hon. Memoer is respect of a senior otheer of the Commerce Ministry stating that that officer changed sides. It is true that one of our senior officer was appointed at a very senior level at GATT. But the hon. Member sould know that in GATT, discussions do not take place between GATT and India. GATT is a referee and various countries are the players. Therefore if somebody is appointed as GATT s Secretary, it is not fair to come to the conclusion that he has changed his sides; because GATT will come into operation only when all the countries agree to ratify the GATT-1993 and thereafter, the job of the secretariat will start. We should rather appreciate that one of our senior officers got an international position like this because these are selected posts and various other countries will alo have to support. Otherwise, you could not get that. Hence, this comment is not fair. It is an uncharitable comment. Now, I would like to ask one question from them and I would feel happy if they are able to answer that question . Some of the countries, for various reasons, I would not like to mention the names of those countries, like India, they were founder members of the GATT. In the early 50's, they came out Of GATT. Today, their economy is much beter compared to India. But still why do they want to be member of the GATT? What are the reasons? It is not only one country, but a large number of count. ries, who were outside GATT and who now want to be members of the GATT, and in a recently held conference—I think, I should not provoke, but it is the hard-core fact—in *one* of the trade union conferences, a fraternal delegation from a country was invited and when *this* question was asked of the representative of that delegation the representative of a very powerful trade union organisation of that country, "your country is going to be a member of GATT. Do you consider that it is going to affect your own nauonal policy?" Her reply was: "No. We want to be member of the GATT." (GW sbGv.d.HlWl- SH M H R H R My simple proposition to the hon. Members, who are considering that within GATT, our sovereignty would be compromised our national interests would be seriously jeopardised, why these countries, who are outside the GATT, are trying to be members of the GATT. This is my limited proposition. Therefore, my contention is that the agreement which is primarily concerning the people's interest, whether it is going to compromise our agricultural programme, whether our subsidies are going to be affected... whether we are going to have any import Obligation, whether the patenting of seeds is going to affect the rights of the farmers or the researchers, my answer, Madam, is an emphatic "no". There is nothing new which is being done. We had been members of the GATT since 1948 when it was established and we shall continue to do so because fit is the considered view of all that being a member of the multilateral organisation is beneficial to us.

One more point, and the last point, on which some hon. Members demanded that we should give our views. I would like to give an example over here. Today we are covered by the Copyright Act. Copyright is a TRIPS, trade-related intellectual property right. Our newspapers are covered by the Copyright Act. The Western newspapers are also covered by the Copyright Act. The price of most of their newspapers are twenty times more than that of ours. It is not because of the Intellectual Property Rights but because of certain other socio-economic conditions. Therefore, the pricing of a particular product depends on various other factors. It does not necessarily mean that you extend some right or you bring it under some discipline. There is no such thing.

The hon. Member wanted to have my response to the revival of Super 301. So far as my response is concerned, the hon. Members are well aware—and I said it on earlier Occasions too—that the trade disputes should be settled at multinational fora. No unilateral action is called for. We are opposed to any unila. teral action for settling the trade disputes and all trade disputes should be settled in multilateral fora. This is the position which we took last year; this is the position I am reiterating. This is our stand.

With these words, Madam, I express my gratitude to the Members, and I am saying I did not intend to be discourteous to them, but if my behaviour or my word has affected them, I sincerely express my regrets for that.

SHRI ASHOK MITRA; Madam, I am on a point of order.

THE' DEPUTY CHAIRMAN: Now the discussion is ovea. There is no point of order.

SHRIMATI RENUKA CHOWDDHURY (Andhra Pradesh): No, Madam; I asked.

THE DEPUTY CHAIRMAN: No, I am asking somebody else. Don't get agiated for other people. I have a right to answer Mr. Ashok Mitra first.

SHRIMATI RENUKA CHOWDHURY: I am not getting agitated for somebody else... *(Interruptions)...*

THE DEPUTY CHAIRMAN:, Just a minute... *(.Interruptions)...*

SHRIMATI RENUKA CHOWDHURY: And I dislike aspersions being cast by the Chair like this... *(Interruptions)...*

श्री सिकन्दर बख्त सदर साहिबा, आनरेबिल मिनिस्टर का बयान हुआ है, उस बयान में... (व्यवधान)... रेणुका जी, जरा एक मिनट लूंगा, मिनिस्टर साहब के बयान में दलीलें कम थीं, अहकामात ज्यादा थे। हमें इत्तफाक है, खैर, वह तो खतम हो गया, मैं उसका जिक्र नहीं करना चाहता, उसकी भी बहुत मेहरबानी है कि मान लिया मिनिस्टर साहब ने और बहुत अच्छा हुआ वह सैटल हो गया किस्सा, लेकिन दलील कम थी बयान में, अहकामात ज्यादा थे। वह नहीं होना चाहिये था। हमें सख्तरीन एतराज है। अब हमारे पास सिवा इसके कोई चारा नहीं कि हम अपना नाराजगी जाहिर करने के लिये और गवर्नमेंट के माजूदा एटीट्यूड के खिलाफ मुजम्मत करने के लिये इस हाऊस में वाकआउट करें।... (व्यवधान)

SHRI S. JAIPAL REDDY; Madam, the Minister spoke like a propagandist. He deliberately misled the House. Ail our positions are based on the negotiating positions taken by the Government. As a protest against the misleading reply of the Minister, we stage a walkout.

SHRI MIRA R. GANESAN (Tamil Nadu): Madam, we also walk out to protest against the misleading reply of the Minister.

SHRI MOTURU HANUMANTHA KAO (Andhra Pradesh): Madam, the Minister has given irresponsible statements. We also walk out as a protest against such misleading statements.

(At this stage some hon. Member left the Chamber)

THE DEPUTY CHAIRMAN: Before you walk out, should we have the lunch hour or should we not have the lunch hour?... *(Interruptions)...*

SOME HON. MEMBERS: We agree.

THE DEPUTY CHAIRMAN: If the House so agrees, we won't have the lunch hour. We will dispense with the lunch hour. Now I have some business.

SHRI S. S. AHLUWALIA (Bihar): We have agreed...

THE DEPUTY CHAIRMAN; If the House so agrees, we do not have the lunch hour. The discussion on GAIT has completed. Now we have to have...

SHRI JAGESH DESAI (Maharashtca) : Madam, we agreed to have the lunch hour.

THE DEPUTY CHAIRMAN; We have to finish a lot of business. We will finish the business quickly so that in the evening we can go early. I want to put it to the Houe that we have got the Jammu and Kashmir Appropriation (Vote on Account) Bill and the Jammu and Kashmir Appropriation Bill. In the Business Advisory Commlittee the Members had agreed that they were not going to have any discussion so that we could pass them without any discussion. The Manipur Appropriation (Vote on Account) Bill, 1994 and the Manipur Appropriation Bill, 1994 are before us. Then we have the Appropration (Railways) Vote on Account Bill, 1994 and the Appropriation (Railways) Bill, 1994. Now before the Railways, we have... Now somebody is there at least which makes fe happy. The thing is that it was the decision taken unannmously in the Business Advisory Committee that as we are going to discuss the Railways, after we come back from the recess we will have full discussf.on on it. Now we will pass the Appropriation (Rail ways) Vote on Account Bill, 1994 and the Appropriation (Railways) Bill, 1994 together.

SHRI SUNDER SINGH BHANDARE (Rajasthan): Madam, I want to say something on this.

आपने जिस बात का जिक्र किया कि रिसैस के बाद हम रेल बजट पर बहस करने वाले हैं लेकिन यह भी सच है कि रिसैस के अन्दर स्टैंडिंग कमेटीज इस पर चर्चा करने वाली है । लोक सभा में जैसा रेलवे मिनिस्टर ने कहा कि वे स्टैंडिंग कमेटीज के अन्दर हम इन सवालों पर डिस्कशन होने के बाद अपनी बात कहेंगे । तो यह ज्यादा जरूरी है कि इस सदन के मैम्बर जो स्टैंडिंग कमेटीज में नहीं है, स्टैंडिंग कमेटी इन सवालों पर अपनी राय जाहिर करें, उससे पहले वह रेल बजट के बारे में और एप्रोप्रिएशन के बारे में सदन में अपनी बात कहें, ताकि स्टैंडिंग कमेटीज विचार करते समय उस राय का भी ख्याल रख सकें । इसलिए मैं आप से दरख्वास्त करूंगा कि इस पर पूरी बहस की इजाजत दी जाए ।

उपसभापति : भंडारी जी, आपकी बात हद तक सही है, मगर जिस समय यह निर्णय लिया गया था, तो लीडर्स ने कुछ सोचकर लिया था कि समय की कमी की वजह से , अब अगर कोई एक सदस्य बोलना चाहेंगे, तो फिर बहुत से लोग बोलना चाहेंगे, क्योंकि किसी को मना नहीं कर सकते हैं। आज हमें ये दूसरे भी डिस्कस करने हैं--जम्मू-काश्मीर, फिर हम चाहते हैं कि जनरल बजट पर आज बहस किसी वक्त शुरू करा दें । ते मेरे ख्याल में यह बेहतर होगा कि जो निर्णय पहले लिया गया है उस पर हम कायम रहें । अगर चेंज करते रहोगे, तो फिर हर चीज में हमें रद्दो-बदल करना पड़ेगा ।

श्री संघ प्रिय गौतम (उत्तर प्रदेश) : देर तक बैठ जायेंगे ।

उपसभापति : नहीं, देर तक कोई बैठता नहीं है, मुश्किल होती है और मैं समझती हूं कि अगर हम रेलवे का एप्रोप्रिएशन पास कर दें, तो जनरल बजट पर हम बात कर सकते हैं और जिन मैम्बर्स को कुछ बोलना है, वे स्टैंडिंग कमेटीज को लिखकर भी भेज सकते हैं, उस पर मुझे लगता है कि वे गौर करेंगे । एक ही बात होगी ।

SHRIMATI JAYANTHI NATARAJAN (Tamil Nadu); Madam, I appreciate what the hon. Member has